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SENATE BILL 82

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO CORRECTIONS; REQUIRING THE CORRECTIONS DEPARTMENT
TO ACCEPT AND REDISPENSE UNUSED PRESCRIPTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. CORRECTIONS DEPARTMENT REQUIRED TO ACCEPT AND
REDISPENSE UNUSED PRESCRIPTIONS--CONDITIONS OF ACCEPTANCE AND
REDISPENSING.--

A. A pharmacy operated by the corrections
department or under contract with the department shall accept
for the purpose of redispensing a prescription drug that has
been dispensed and has left the control of the pharmacist if
the prescription drug is being returned by a corrections
facility that has a registered professional nurse or a licensed
practical nurse who is responsible for the security, handling
and administration of prescription drugs within that

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1 corrections facility and if all of the following conditions are
2 met:

3 (1) the pharmacist is satisfied that the
4 conditions under which the prescription drug has been
5 delivered, stored and handled before and during its return were
6 such as to prevent damage, deterioration or contamination that
7 would adversely affect the identity, strength, quality, purity,
8 stability, integrity or effectiveness of the prescription drug;

9 (2) the pharmacist is satisfied that the
10 prescription drug did not leave the control of the registered
11 professional nurse or licensed practical nurse responsible for
12 the security, handling and administration of that prescription
13 drug and that the prescription drug did not come into the
14 physical possession of the individual for whom it was
15 prescribed;

16 (3) the pharmacist is satisfied that the
17 labeling and packaging of the prescription drug are accurate,
18 have not been altered, defaced or tampered with and include the
19 identity, strength, expiration date and lot number of the
20 prescription drug; and

21 (4) the prescription drug was dispensed in a
22 unit-dose package or unit-of-issue package.

23 B. A pharmacy operated by the corrections
24 department or under contract with the department shall not
25 accept for return prescription drugs as provided pursuant to

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1 this section until the pharmacist in charge develops a written
2 set of protocols for accepting, returning to stock,
3 repackaging, labeling and redispensing prescription drugs. The
4 written protocols shall be maintained on the premises of any
5 pharmacy dispensing prescriptions for the department and shall
6 be readily accessible to each pharmacist on duty. The written
7 protocols shall include, at a minimum, each of the following:

8 (1) methods for ensuring that damage,
9 deterioration or contamination has not occurred during the
10 delivery, handling, storage or return of the prescription drugs
11 such that it would adversely affect the identity, strength,
12 quality, purity, stability, integrity or effectiveness of the
13 prescription drugs or otherwise render the drugs unfit for
14 distribution;

15 (2) methods for accepting, returning to stock,
16 repackaging, labeling and redispensing the prescription drugs
17 returned pursuant to this section; and

18 (3) a uniform system of recording and tracking
19 prescription drugs that are returned to stock, repackaged,
20 labeled and redistributed pursuant to this section.

21 C. If the condition of a prescription drug and its
22 package meets the standards set forth in Subsection B of this
23 section, a prescription drug shall be returned to stock and
24 redistributed as follows:

25 (1) a prescription drug that was originally

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1 dispensed in the manufacturer's unit-dose package or
2 unit-of-issue package that is returned in that same package may
3 be returned to stock, repackaged and redispensed as needed; and

4 (2) a prescription drug that is repackaged
5 into a unit-dose package or a unit-of-issue package by the
6 pharmacy, dispensed and returned to that pharmacy in that
7 unit-dose package or unit-of-issue package may be returned to
8 stock, but it shall not be repackaged. A unit-dose package or
9 unit-of-issue package prepared by the pharmacist and returned
10 to stock shall only be redispensed in that same unit-dose
11 package or unit-of-issue package and shall only be redispensed
12 once. A pharmacist shall not add unit-dose package drugs to a
13 partially used unit-of-issue package.

14 D. This section does not apply to any of the
15 following:

- 16 (1) a controlled substance;
17 (2) a prescription drug that is dispensed as
18 part of a customized patient medication package;
19 (3) a prescription drug that is not dispensed
20 as a unit-dose package or a unit-of-issue package; or
21 (4) a prescription drug that is not properly
22 labeled with the identity, strength, lot number and expiration
23 date.

24 E. As used in this section:

- 25 (1) "customized patient medication package"

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1 means a package that is prepared by a pharmacist for a specific
2 patient and that contains two or more prescribed solid oral
3 dosage forms;

4 (2) "repackaging" means the process by which
5 the pharmacy prepares a prescription it accepts pursuant to
6 this section in a unit-dose package, unit-of-issue package or
7 customized patient medication package for immediate dispensing
8 in accordance with a current prescription;

9 (3) "corrections facility" means any facility
10 or program controlled or operated by the state or any of its
11 agencies or departments and supported wholly or in part by
12 state funds for the correctional care of persons, including but
13 not limited to:

14 (a) the "penitentiary of New Mexico",
15 which consists of the penitentiary at Santa Fe and other places
16 in the state designated by the secretary or corrections; and

17 (b) the parole board to the extent
18 delegated by the Parole Board Act;

19 (4) "unit-dose package" means a package that
20 contains a single-dose drug with the name, strength, control
21 number and expiration date of that drug on the label; and

22 (5) "unit-of-issue package" means a package
23 that provides multiple doses of the same drug, but each drug is
24 individually separated and includes the name, lot number and
25 expiration date of the drug.

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